

**STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH  
BUREAU OF REGULATORY SERVICES**

In re: Advantage Outlet Partnership d/b/a  
Advantage Environmental

Petition No. 2002-0122-053-001

**CONSENT ORDER**

WHEREAS, Advantage Outlet Partnership d/b/a Advantage Environmental of Redding, CT (hereinafter "respondent") has been issued license number 000328 to practice as an asbestos contractor by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 400a of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent admits that:

1. In or about October 2001, respondent was the licensed asbestos contractor for an asbestos abatement project at 5758 Main Street, Trumbull CT (hereinafter "the property"). Said project involved the removal of approximately 140 linear feet of asbestos pipe insulation from the basement of a house on the property.
2. On or about October 23, 2001, in connection with the asbestos abatement project at the property, respondent:
  - a. failed to properly operate and/or maintain a worker decontamination system in that respondent's workers did not store personal clothing in the clean room. Instead, respondent's workers wore their personal clothing under their protective, disposable work clothes;

- b. failed to properly operate and/or maintain a worker decontamination system in that a plumbing fitting on the cold water supply hose burst when a Department inspector turned on the water supply to the shower; and/or
  - c. failed to adequately wet all asbestos containing materials prior to removal in that an asbestos containing pipe elbow was removed by a worker in the presence of a Department inspector and the worker failed to wet the elbow until after it was removed and dropped to the floor.
3. The above described facts constitute grounds for disciplinary action pursuant to Chapter 400a and §§19a-332a and 19a-332a(b) of the General Statutes of Connecticut, taken in conjunction with §§19a-332a-1, 19a-332a-2, 19a-332a-6(a), 19a-332a-7(a), 20-440-1 and 20-440-6(b) of the Regulations of Connecticut State Agencies.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter and agrees that for purposes of this or any future proceedings before the Department, this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14 and Chapter 400a of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and Chapter 400a of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives its right to a hearing on the merits of this matter.
2. Respondent's license number 000328 to practice as an asbestos contractor in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of one thousand dollars (\$1,000.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, and shall be payable at the time respondent submits the executed Consent Order to the Department.

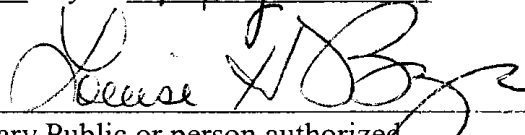
4. Respondent shall comply with all state and federal statutes and regulations applicable to its licensure.
5. Respondent shall pay all costs necessary to comply with this Consent Order.
6. This Consent Order is effective on the date this Consent Order is accepted by the Department.
7. Respondent understands this Consent Order may be considered as a public document and evidence of the above admitted violations in any proceeding before the Department in which its compliance with this Consent Order or with Chapters 400a or 368l of the General Statutes of Connecticut, as amended, is at issue.
8. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that it may have under the laws of the State of Connecticut or of the United States.
9. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
10. Respondent permits a representative of the Legal Office of the Bureau of Regulatory Services to present this Consent Order and the factual basis for this Consent Order to the Department. Respondent understands that the Department has complete and final discretion as to whether this executed Consent Order is approved or accepted.
11. Respondent has the right to consult with an attorney prior to signing this document.

I, Robert DeMassa, Partner of Advantage Outlet Partnership d/b/a Advantage Environmental, have read the above Consent Order, and I represent and warrant that I am an authorized agent of Advantage Outlet Partnership d/b/a Advantage Environmental and that I am fully authorized and empowered to bind said partnership. I hereby stipulate and agree to bind Advantage Outlet Partnership d/b/a Advantage Environmental to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.



Robert DeMassa, Partner

Subscribed and sworn to before me this 1 day of May 2002.



Notary Public or person authorized  
by law to administer an oath or affirmation

**My Commission Expires July 31, 2006**

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 1<sup>st</sup> day of May 2002, it is hereby accepted.



Thomas H. Furgalack, Director  
Division of Environmental Health